

SENATE BILL No. 578

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-2.

Synopsis: Truancy. Requires the department of education in cooperation with the department of child services and a court with jurisdiction to develop a program for parents of habitual truants to attend parenting classes administered by the department of child services.

Effective: July 1, 2009.

Taylor

January 20, 2009, read first time and referred to Committee on Education and Career Development.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 578

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-33-2-27, AS ADDED BY P.L.1-2005,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 27. (a) It is unlawful for a parent to fail to ensure
4 that the parent's child attends school as required under this chapter.
5 (b) Before proceedings are instituted against a parent for a violation
6 of this section, personal notice of the violation shall be served on the
7 parent by the superintendent or the superintendent's designee:
8 (1) having jurisdiction over the public school where the child has
9 legal settlement; or
10 (2) of the transferee corporation, if the child has been transferred.
11 (c) Personal notice must consist of and take place at the time of the
12 occurrence of one **(1)** of the following events:
13 (1) The date of personal delivery of notice.
14 (2) The date of receipt of the notice sent by certified mail.
15 (3) The date of leaving notice at the last and usual place of the
16 residence of the parent.
17 **The personal notice must also inform the parent that each**

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1 custodial parent must attend a program described in section
 2 27.5(a) of this chapter. The personal notice must also inform each
 3 custodial parent that the parent's child may not attend school until
 4 each custodial parent attends the program or for one (1) week after
 5 the notice is delivered, whichever occurs first. If the violation is not
 6 terminated not more than one (1) school day after this notice is given,
 7 or if another violation is committed during the notice period, no further
 8 notice is necessary. Each day of violation constitutes a separate offense.

9 SECTION 2. IC 20-33-2-27.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO BE READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2009]: Sec. 27.5. (a) The department, in
 12 cooperation with the department of child services and a court with
 13 jurisdiction, shall develop and coordinate a parenting program
 14 administered by the department of child services for a custodial
 15 parent of a student who is:

16 (1) subject to compulsory school attendance under this
 17 chapter; and

18 (2) a habitual truant under section 11(b) of this chapter.

19 (b) Subject to subsection (c), a custodial parent who violates
 20 section 27 of this chapter must attend a program described under
 21 subsection (a) before a student is allowed to return to school.

22 (c) If one (1) school week (as defined in IC 16-41-37-2.7) has
 23 passed after notice is given under section 27 of this chapter and a
 24 custodial parent has not attended a program described in
 25 subsection (a):

26 (1) proceedings under section 44 of this chapter may be
 27 instituted against the parent in a court with jurisdiction; and

28 (2) the student shall return to school.

29 The prosecuting attorney shall serve personal notice on the
 30 custodial parent informing the parent that proceedings are being
 31 instituted under section 44 of this chapter and that the parent's
 32 child must attend school beginning with the next student
 33 instructional day after the parent receives the notice. Each day of
 34 violation by a custodial parent after notice is given under section
 35 27 of this chapter does not constitute a separate violation by the
 36 student of the compulsory attendance provisions under this
 37 chapter.

38 (d) The department, in consultation with the department of
 39 child services, shall develop guidelines and the state board shall
 40 adopt rules under IC 4-22-2 to implement this section.

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